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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JESUS NOEL RAMOS QUINTERO,**

**Defendant.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:19-cr-00348-DAK**

**Judge Dale A. Kimball**

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This matter is before the court on Defendant Jesus Noel Ramos Quintero's Motion to Reconsider District Court's Order of Detention and Request for Expedited Hearing. The Government opposes the motion. Because the court finds that a hearing on this matter is not necessary, the court issues the following Memorandum Decision and Order based on the facts relating to the motion and memoranda submitted by the parties.

**BACKGROUND**

On September 12, 2019, Defendant was charged in an indictment with one count of possessing heroin with intent to distribute. Later that month, the magistrate judge ordered that Defendant be detained pending trial, and Defendant waived his right to a detention hearing at that time. Subsequently, in April 2020, Defendant sought review of his detention and moved for immediate release. On April 17, 2020, the magistrate judge denied Defendant's motion. Following the magistrate judge's denial, Defendant appealed that decision. However, in May 2020, the court denied Defendant's motion and affirmed the magistrate judge's order of detention.

## **DISCUSSION**

Defendant now asks the court to reconsider its prior ruling affirming the magistrate judge's order of detention. Defendant suffers from several health conditions, including asthma and Chronic Obstructive Pulmonary Disease. On July 8, 2020, Defendant learned that he tested positive for COVID-19. Given that he has now contracted the virus, Defendant argues that his release pending trial is imperative. He contends that given the recent outbreak of COVID-19 at Weber County Jail, where he is currently incarcerated, the jail's medical staff will soon be overrun, and he is concerned that his condition will be overlooked.

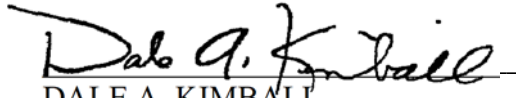
Although the concerns that Defendant is experiencing as a result of contracting COVID-19 are not lost on the court, the court remains unpersuaded to reconsider or alter its prior order. First, while Defendant is uncertain whether he will receive adequate medical care while incarcerated, nothing in his motion establishes that he, in fact, is not receiving the treatment that he needs. Second, pursuant to 18 U.S.C. § 3142(e)(3), the presumption of detention applies in this case. In light of the charge against Defendant here, the court finds that Defendant has failed to rebut the presumption. Third, the court remains unconvinced that Defendant does not pose a danger to the community. Defendant was charged with possession of a considerable amount of heroin and the intent to distribute the same. Certainly, having such an illicit substance in the community poses a great risk to the members of that community. Fourth, the court remains wary of the risk of flight in this case. While Defendant has some ties to the State of Utah, those ties are limited such that the court finds the risk of flight in this case to be high. Based on these reasons, the court concludes that Defendant's motion to reconsider should be denied.

**CONCLUSION**

Based on the foregoing reasoning, Defendant Jesus Noel Ramos Quintero's Motion to Reconsider District Court's Order of Detention and Request for Expedited Hearing is hereby DENIED.

DATED this 13th day of August, 2020.

BY THE COURT:

  
DALE A. KIMBALL  
United States District Judge